



057-2533-2YY CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF

Hideki TAKAHASHI

SERIAL NO: 09/421,217

FILED: October 20, 1999

FOR: INSULATED GATE  
SEMICONDUCTOR DEVICE...

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: EXAMINER: LOKE, S.

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: GROUP ART UNIT: 2811

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RESTRICTION RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement mailed March 13, 2001, Applicants elect with traverse the invention of Group I, Claims 22-26, for examination on the merits in the present application.

Applicants respectfully traverse the Restriction Requirement for several reasons.

First, Applicants respectfully traverse the Restriction Requirement because the stated basis for distinctness is improper.

In this regard, page 2 of the Restriction Requirement indicates that:

...the device of the group I invention could be made by processes materially different than those/that of the group II invention, for example, ... forming a conductive control electrode only on the insulating film without removing the conductor.

However, the Restriction Requirement has failed to show any evidence of the materiality of forming a conductive control electrode only on the insulating film without removing the

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conductor and that the resulting product would be the same as the product as claimed. As noted in §MPEP 806.05(a), "the burden is on the examiner to provide reasonable examples that recite material differences." It is respectfully submitted that the burden placed upon the Examiner has not been carried.

Second, as noted in MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Since the restricted claims would appear to be part of an overlapping search area, it is respectfully submitted that the burden on the Examiner would be minimal and the burden on Applicants would be significant if Applicants were required to file and prosecute a separate divisional application.

Consequently, Applicants respectfully request this Restriction Requirement be withdrawn. Accordingly, an examination on the merits of Claims 22-39 is believed to be in order, and an early and favorable action on the merits of these claims is respectfully requested.

Respectfully submitted,

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